

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BRANDI STANDRIDGE, and KENYA PHILLIPS,)	
)	
Plaintiffs,)	
)	8:03CV437
vs.)	
)	
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	
JACKIE FITZGERALD,)	
)	
Plaintiff,)	
)	8:04CV188
vs.)	
)	(3:03CV283 - D. Or.)
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	
SAMANTHA BRAND,)	
)	
Plaintiff,)	
)	8:04CV231
vs.)	
)	2:03CV3935 (W.D. Wash.)
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	
KENYA PHILLIPS,)	
)	
Plaintiff,)	
)	8:04CV224
vs.)	
)	(2:03CV4237 - W.D. Mo.)
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	

CONSOLIDATION ORDER

A Rule 16 planning conference was held on July 29, 2004. Roberta Riley, Michael Schleich and Rex Sharp appeared for plaintiffs; Tim Mikula, Donald Munro and Brian McGrath appeared for defendants; and Bill Oakes appeared on behalf of the Union Pacific Board of Trustees.

The parties' Rule 26(f) planning report has been filed at Filing No. 110 in Case No. 8:03CV437. During the conference, counsel agreed that these class actions should be consolidated, but did not agree on the proper way to consolidate the cases.¹ They did agree to leave the matter to the court's discretion without prejudice to raising the issue at a later date.

Because virtually all the discovery and substantive activity has occurred in Case No. 8:04CV224, I find that **Case No. 8:04CV224, *Standridge, et al. v. Union Pacific Railroad Company***, should be designated as lead case, without prejudice to reconsideration of this decision at a later date.

IT THEREFORE IS ORDERED:

1. The above-captioned actions are hereby consolidated into one action pursuant to Fed. R. Civ. P. 42(a).
2. The Master File for the consolidated action shall be *Standridge, et al. v. Union Pacific Railroad Company*, 8:03CV437.

¹The dispute is summarized in paragraph 1(c) at page 3 of the parties' Rule 26(f) planning report.

3. The Clerk shall record the appearances of all active counsel from Cases Nos. 8:04CV188, 8:04CV231 and 8:04CV224 in the Master File, 8:03CV437.

4. All pleadings shall be filed in Case No. 8:03CV437.

5. Cases Nos. 8:04CV188, 8:04CV231 and 8:04CV224 shall be terminated for statistical purposes only, without prejudice to reopening Case No. 8:04CV224, *Phillips v. Union Pacific Railroad Company*, upon proper motion at a later date.

6. Every document filed in the Consolidated Action shall have the following caption:

In re:)	
)	8:03CV437
UNION PACIFIC RAILROAD)	
EMPLOYMENT PRACTICES)	(MDL No. 1597)
LITIGATION)	

7. The Clerk shall amend the caption in the Master File, i.e., Case No. 8:03CV437, to comply with paragraph 6, above.

DATED July 30, 2004.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge